

REMARKS

The Examiner's action and the rejection of claim 1 under 35 USC 112, second paragraph have been carefully considered and claim 1 has been amended to modify "the conditions" in the penultimate line of the claim to "the conditions for authorizing viewing of the program selected by the user." At the same time, the language of claim 4 has been added to claim 1 in lines 6-7 thereof to provide the required antecedent basis. Claim 4 has been canceled. It is respectfully urged that in view of this amendment, the rejection under 35 USC 112, second paragraph should be reconsidered and withdrawn.

Remaining claims 1-3 now stand rejected as unpatentable over Tamer et al (U.S. Patent No. 6,671,881) in view of Young (U.S. 2003/0159147 A1) and further in view of Kubota (U.S. Patent No. 7,023,992) under 35 USC 103(a). As currently amended, claim 1 now recites a system for selecting and confirming an impulse purchase for pay TV including a display device for presenting a program listing to the user, means for selection by the user of a program from the listing with the choice being confirmed in the system by an EMM specific to the selection, the EMM comprising conditions for authorizing viewing of the selected program and for canceling such authorization, the program listing comprising a reference to the EMM responsive to the authorization of the impulse purchased program, the system including a security module and means to transfer the EMM specific to the impulse purchase to the security module when the user selects the impulse purchased program and, if the conditions for authorizing viewing of the program selected by the user are met, recording the impulse purchase and granting access to the purchased program.

The Examiner primarily relies upon Tamer et al for its teaching of a system for selecting and confirming an impulse purchase for pay TV. However, the Examiner correctly states that Tamer et al fails to disclose a display device, and cites Young for its teaching of a display device for presenting a listing of programs. The Examiner also correctly states that neither Tamer et al nor Young teach a reference in the program listing to the EMM responsive to the authorization of the impulse purchased program. To provide this teaching in an allegedly analogous art, the Examiner cites Kubota, stating that this reference teaches a

reference to the EMM responsive to the authorization of the impulse purchase program, citing Kubota at Figures 3, 4 and 11 and column 20, line 25 to column 21, line 8.

Kubota discloses a data multiplexing device, program distribution system, program transmission system, pay broadcast system, program transmission method, conditional access system and a data reception device for a digital broadcast system which performs compression-coding and multiplexing of video data and audio data for transmission. Column 1, lines 17-24. The purpose of the Kubota devices and systems are to provide a digital broadcast system which can scramble each data element, which avoids provision of a scramble device for each program and which can avoid any overflow from a transmission buffer for buffering any program data. Column 2, lines 9-19. The systems and methods of Kubota have nothing whatever to do with the claimed subject matter of the present invention. Moreover, nothing in Kubota, including most notably the portions of Kubota specifically relied upon by the Examiner, discloses, teaches or even suggests a system wherein the program listing includes a reference to the EMM responsive to the authorization of the impulse purchased program, or any disclosure whatever tying the EMM to the program listing data. Referring to the portions of Kubota specifically relied upon by the Examiner: Figure 3 of Kubota relates to PID values for specified types of data stored in the payload of a transport stream packet; Figure 4 of Kubota presents a PID table showing the correspondence between PIDs specified for generated transport stream packets and scramble keys Ks used for data stored in the corresponding transport stream packets; and, Figure 11 of Kubota shows that program specific information can be classified into four table structures. Finally, Kubota at column 20, line 25 to column 21, line 8 describes the conditional access descriptor CA used in the program map table and the conditional access table with respect to Figure 19 of Kubota. It will be appreciated from a close review of Kubota that, contrary to the Examiner's assertion at page 4, lines 1-3 of the November 10, 2009 office action, Kubota does not disclose, in the program listing, a reference to the EMM responsive to the authorization of an impulse purchased program.

Accordingly, it will be seen that Tamer et al discloses a system which utilizes an entirely different conditional access system for processing pay-per-view program selections than is recited in present claim 1. Young is cited specifically and solely for teaching a

display device for presentation to a user a listing of programs, and not for any teaching regarding the relationship between the program listing and the EMM. Thus, Tamer et al in view of Young fails to disclose a system wherein there is a reference, in the program listing, to the EMM responsive to the authorization of the impulse purchased program. Kubota is cited to make up for the deficiencies of Tamer et al in view of Young but, as can be seen from the foregoing, also fails to disclose a system wherein there is a reference, in the program listing, to the EMM responsive to the authorization of the impulse purchased program.

In view of the foregoing, it is submitted that claim 1 recites patentable subject matter not disclosed or suggested by the art of record. Accordingly, the present application is in condition for allowance and a Notice of Allowance directed to remaining claims 1-3 is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, the Examiner is invited to telephone the undersigned attorney to expedite the prosecution.

Respectfully submitted,

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